

AN ACT

ENTITLED, An Act to create immunity for reporting prenatal alcohol or substance abuse.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34-23B be amended by adding thereto a NEW SECTION to read as follows:

Any physician, physician's assistant, nurse, nurse practitioner, nurse midwife, counselor, social worker, licensed or registered child welfare provider, employee or volunteer of a domestic abuse center, chemical dependency counselor, or safety sensitive position as defined in subdivision 23-3-64(2) who provides services to a pregnant woman may make a referral to a prevention or treatment program accredited pursuant to chapter 34-20A if the provider has information that a pregnant woman is engaging in the abusive use of alcohol or use of any controlled drug or substance not lawfully prescribed by a practitioner as authorized by chapter 22-42 or 34-20B. Any such provider, who, in good faith, makes a referral to a prevention or treatment program accredited pursuant to chapter 34-20A of a pregnant woman engaging in abusive use of alcohol, abusive use of a lawfully prescribed controlled substance, or use of any controlled drug or substance not lawfully prescribed by a practitioner as authorized by chapter 22-42 or 34-20B, is immune from any liability, civil or criminal, that might otherwise be incurred or imposed, and has the same immunity with respect to participation in any judicial proceeding resulting from the referral. This immunity also extends to any public official who in good faith is involved in the investigation of such conduct or to any person described in this section who in good faith cooperates with any public official in an investigation. Any referral pursuant to this section is permissive and nothing in this section requires the making of any referral.

An Act to create immunity for reporting prenatal alcohol or substance abuse.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1132

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1132

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State